

**HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION (F) NO. 1234 OF 2004.
IN
FIRST APPEAL NO. 317 OF 2003.

M/s. Bombay Fiber Industries Ltd.

..Applicants.

Versus.

Hind Dyes Manufacturing Co. Pvt. Ltd.& Anr. ..Respondents.

Mr. V.A.Thorat with Sandeep S. Deshmukh i/b M/s.
Mulla & Mulla Craigie Blunt & Caroe for the applicants.

Mr. P.P.Chavan i/b M/s. Little & Co., for the
respondents.

**CORAM: S.B.MHASE &
S.R.SATHE JJ**

DATE: JULY 19, 2005.

P.C.

1. Learned Senior Counsel Shri. V.A.Thorat appearing on behalf of the applicant pointed out the order passed by this court on 24th February 2003, wherein the directions have been given to expedite the hearing of the matter. However, the matter is not appearing on board. However, now this application is moved to fix up the matter for final hearing. It is pointed out that the suit is of the year 1982 from which the matter arises. Therefore, it is prayed that the priority may be given to this matter. Learned counsel Shri. Chavan appearing on behalf of the respondents very strenuously and vigorously opposed the

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prayer for fixing date of hearing, as per the instructions received from his client. We are surprised to find such an approach on the part of the respondent when the respondent has given consent for expedited hearing of the appeal. What made him to oppose such prayer is not known to us. We do not find any justifiable reasons for that. In the result, Civil Application is allowed. Appeal is fixed for final hearing in the second week of August, 2005.

2. Civil Application is accordingly disposed off.

(S.R.SATHE,J.)

(S.B.MHASE, J.)

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